

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 2, 6-9, and 11-16 are pending in the present application, Claims 1, 7-9, and 11-14 having been amended, Claims 15 and 16 having been added, and Claims 4 and 5 having been canceled without prejudice or disclaimer. Support for the amendments to Claims 1, 7-9, and 11-14 is found, for example, in the originally filed specification at page 2, lines 27-30. Support for new Claims 15 and 16 is found, for example, in Fig. 4 of the present application. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 1, 2, 4-9, and 11-14 were rejected under 35 U.S.C. §102(a) as anticipated by Gronemeyer et al. (U.S. Patent No. 6,363,359, hereinafter Gronemeyer).

With respect to the rejection of Claim 1 as anticipated by Gronemeyer, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*, “storing means for storing an update confirmation schedule for said installed software, said update confirmation schedule indicating when to make an inquiry on the presence of updates for the installed software, judging means for judging whether, among said installed software, there exists software for which the presence of updates needs to be confirmed based on said update confirmation schedule...inquiring means for making an inquiry on the presence of updates for said software to said update data supplying apparatus detected by said detection means based on the update confirmation schedule.” Gronemeyer does not disclose or suggest these elements of Amended Claim 1.

Gronemeyer discloses that a sentinel is responsible for inspecting the client computing device and determining needed goods or services based on the configuration of

client computing device.¹ The sentinel creates a log of software and hardware and sends the log to a server, and in response the server responds with available sales and upgrade options for items identified in the log.²

The outstanding Office Action, at page 6, indicates that the previously claimed “update confirmation cycle” is the information stored in the log of Gronemeyer during a particular cycle of information harvesting by the sentinel of Gronemeyer. Claim 1 is amended to more clearly describe and distinctly claim the subject matter regarded as the invention by the Applicants. The update confirmation *schedule*, as now claimed, is not information stored in the log. As indicated by amended Claim 1, an update confirmation *schedule* indicates when an inquiry on updates for the installed software should be made. On the contrary, the log in Gronemeyer stores a record of currently installed hardware and software.³

Furthermore, a judging means judges whether, among the installed software, there exists software for which the presence of updates needs to be confirmed in accordance with the update confirmation schedule, and the inquiring means makes an inquiry based on the update confirmation schedule.

Page 3 of the outstanding Office Action equates the submission of the log to a server in Gronemeyer to the claimed “inquiring means.” However, Gronemeyer does not disclose or suggest that this submission of a log is made based on an update confirmation schedule. On the contrary, Gronemeyer describes that the log is submitted to a server dependent on the web page being viewed.⁴

¹ Gronemeyer, col. 2, lines 50-53.

² Gronemeyer, col. 7, lines 56-58.

³ Gronemeyer, col. 5, lines 59-61.

⁴ Gronemeyer, col. 3, lines 10-19, and col. 5, lines 50-61.

Gronemeyer describes another embodiment wherein a server is located after the generation of the log.⁵ The log is submitted to the server after it is located. However, Gronemeyer does not disclose or suggest that there is a stored update confirmation schedule that governs these processes in Gronemeyer.

Thus, Gronemeyer does not disclose or suggest “storing means for storing an update confirmation schedule for said installed software, said update confirmation schedule indicating when to make an inquiry on the presence of updates for the installed software, judging means for judging whether, among said installed software, there exists software for which the presence of updates needs to be confirmed based on said update confirmation schedule...inquiring means for making an inquiry on the presence of updates for said software to said update data supplying apparatus detected by said detection means based on the update confirmation schedule.”

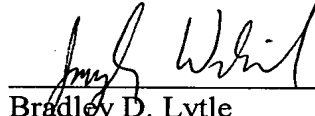
In view of the above-noted distinctions, Applicants respectfully submit that Claim 1 (and Claims 2, 6, 15, and 16 dependent thereon) patentably distinguish over Gronemeyer. Amended Claims 7-9 and 11-14 recite elements similar to those in amended Claim 1. Thus, Applicants respectfully submit that Claims 7-9 and 11-14 patentably distinguish over Gronemeyer, for at least the reasons stated for amended Claim 1.

⁵ Gronemeyer, col. 7, lines 31-33.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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